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SSA/DDS #70-

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Approved For Release 2003/07/31 : CIA-RDP84-00780R003800030008-2
OGC Has Reviewed A

OGC 70-0928

5 June 1970

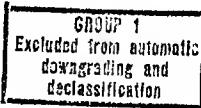
MEMORANDUM FOR: SSA-DDS

SUBJECT: Reimbursement for Retirement Travel
Within Metropolitan Area

REFERENCE: Memo to DD/Pers fr [redacted] OGC 69-1391, 25X1
dtd 25 July 69, Subj.: Reimbursement for
Travel and Transportation Expenses of CIARDS
Retirees for Moves within the Metropolitan
Washington Area

1. On 25 July 1969 this office wrote the referent opinion to the Deputy Director of Personnel, citing as authority BOB Circular No. A-56, subsection 1.3a. Actually, Circular A-56 had been modified on 26 June 1969 although the change was not circulated until August of that year. The new provision changes the definition of "post of duty" to mean "the building or other place where the officer or employee regularly reports for duty". It also states that an official station or post of duty may include "the residence or other quarters from which the employee regularly commutes to or from work". Thus, the new definition might conceivably open the way for reimbursement for transfers involving short distances within the same general locale or metropolitan area. Subparagraph 1.3a(2) of the Circular indeed does allow reimbursement for such moves when "the relocation was incident to a change of official station", taking into consideration such factors as commuting times and distances between the old and new post and his old residence and between such posts and the new residence.

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2. While retirement is not strictly a change in official station, we have generally applied the same criteria for travel entitlements.

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[Redacted]
3. The Travel Policy Committee has recommended that that portion of [Redacted] dealing with retirement travel be clarified so as to make moves within a metropolitan area reimbursable if directly consequent of the retirement.

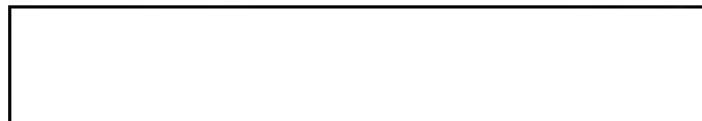
4. Two cases have been presented since June of 1969, both for travel within Metropolitan Washington. The first claim for travel was denied on the basis of the referent opinion. The second has not yet been determined.

5. Taking the second case first, the employee was returned to Headquarters for retirement and his orders so stated. He took temporary quarters and stored his goods. At the time he was returned he was not certain where he would retire. It is possible to construe this situation (although it was written as two travel orders) as a return for retirement purposes to the place of retirement when selected. Thus, the equities here would dictate reimbursing the retiree for his costs incident to the retirement (i.e., moving the bulk of his goods from storage and what incidental amounts he kept with him while in temporary quarters). The first case was clearly one in which the retiree was stationed at Headquarters and moved from one location to another within the Washington area at the time of retirement. The issue of whether the move was required by the retirement was not reviewed in view of the limitation set forth in A-56. However, even with the modification of the definition of post of duty, the Agency's policy did not then include reimbursement for local moves. The Travel Policy Committee is recommending a change in this policy requiring only that the employee certify as to the connection between the move and retirement. Whether or not

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this change is approved, the case first discussed above could be approved. If the change is approved, this office would perceive no legal objection to reviewing the first decision and if the move was occasioned by the retirement, reversing the referent opinion and approving the move. Finally, it would not be legally inconsistent for these two cases to be determined differently in view of their disparate facts and times.



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Assistant General Counsel

cc: DD/Pers

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OGC 69-1391

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26 July 1969

MEMORANDUM FOR: Deputy Director of Personnel
SUBJECT: Reimbursement for Travel and Transportation Expenses of CIARS Retirees for Moves Within the Metropolitan Washington Area

1. You have requested our opinion as to whether a CIARS retiree may be reimbursed for travel and transportation expenses for a move from one dwelling place to another, both within the Metropolitan Washington area. You have referred specifically to the draft revision of [] which in turn implements a 30 April 1969 memorandum by the DD/S, approved by the Executive Director-Comptroller, which approves payment of transportation expenses for CIARS retirees from their last posts of assignment to the places they have chosen to reside in the U.S., its possessions or the Commonwealth of Puerto Rico.

2. We do not believe this authority can be interpreted to allow travel within a post of duty. Retirement travel as developed for the CIARS retiree is in the nature of PCS travel; that is, not only may the employee travel, but he may be reimbursed for travel expenses of his family and for transportation expenses of shipping his household effects. From the point of view of PCS travel, the employee moving within the Washington area has no entitlement for reimbursement.

[] Att. 3, which incorporates BOB Circular No. A-56, by reference states in subsection 1.3a:

"The travel and transportation expenses and applicable allowances may be authorized in connection with a transfer of an employee from one official station to another only when the transfer is between official stations.... Thus, these expenses and allowances may not be authorized when the old and new posts of duty are

located within the corporate limits of the same city or town or are both within another area described in said SGTR section 1.5."

It is well established that the entire Metropolitan Washington area is considered one post of duty or official station.

3. In view of the above consideration, this office is of the opinion that reimbursement for moves by retirees within the Metropolitan Washington area may not be authorized.



Assistant General Counsel

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cc: SSA-DDS

OGC:JBU:bg

Distribution:

Orig & 1 - Addressee
1 - Subject - *Travel*
 1 - JBU Signer
1 - Chrono

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